



RESEARCH REPORT

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
To:	David R. Smith, County Administrative Officer
From:	Sandi Wilson, Chief Resource Officer
Prepared By:	Patrick Van Zanen, Principal Budget Analyst

ISSUE

Does the Maricopa County Attorney's Office employ enough support staff (Legal Assistants, Legal Clerks, Legal Secretaries, Administrative Assistants) to adequately address current caseloads?

BACKGROUND

Like all departments in the Maricopa County criminal justice system, the County Attorney's Office is experiencing continued growth in workload. Many variables other than just growth in population affect the amount of work required of the County Attorney's staff. Some of these variables include new laws passed by the State Legislature, the arrest policies of municipalities, and the prosecution policies set by the County Attorney's Office.

In the FY 1996-97 budget, the Board of Supervisors allocated funding for 29 additional Deputy County Attorney Positions to address rising caseload. Included with this allocation was funding for support staff positions. The Office is requesting that funds be allocated to provide support staff for the 29 additional attorneys and to address rising workload.

The County Attorney's Office believes that workload has reached a point at which it can no longer be dealt with efficiently and effectively without further increases in support staff. Legal Assistants and Legal Secretaries must support too many attorneys and work an excessive amount of extra hours to complete work on time. Management has stated that "burn-out" is high for some positions as evidenced by the amount of sick and vacation time used by employees. In turn, more work is required of the available staff. Training costs continue to climb as new staff are hired to replace those that have quit.

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	2

The Board of Supervisors set aside \$785,000 in the FY 1997-98 general fund budget to fund additional County Attorney support staff positions in the event that it chooses to do so. The level of funding, if any, was yet to be determined and the set-aside of \$785,000 was not based on any analysis of current staffing levels or workload.

The purpose of this project is to evaluate support staff levels in the County Attorney's Office and make recommendations regarding the need for additional staff and funding.

DISCUSSION

Caseload

The table below indicates the increases in cases submitted to and filed by the County Attorney's Office over the last three years. The data shows that growth in case filings is increasing at a rate higher than growth in cases submitted by law enforcement agencies within Maricopa County. That is, in at least each of the past two years the County Attorney's Office has filed a greater percentage of the cases submitted by law enforcement agencies than the previous year.

CASELOAD STATISTICS			
	Year		
	1994-95	1995-96	1996-97
Cases Submitted			
Number	40,510	41,165	42,586
% Change		1.62%	3.45%
Cases Filled			
Number	21,121	22,527	24,519
% Change		6.66%	8.84%

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	3

Staffing

In response to growth in caseloads, the County Attorney has received funding for additional positions. The following table outlines recent growth in staffing levels and is followed by a description of the support staff positions addressed in this report. The descriptions do not differentiate between steps (I,II,III,IV) because the duties are similar and the steps essentially reflect career ladders. The job descriptions below are general and actually differ slightly depending on the division or specific area in which the position is located.

History of Positions Funded from all Sources

Position	As of 7/19/94	As of 8/15/95	As of 7/3/96	As of 7/3/97	AVG. CHANGE
Attorney Positions	248	263	275	299	
% Change		6.05%	4.56%	8.73%	6.45%
Administrative Assistant	40	50	52	57	
% Change		25.00%	4.00%	9.62%	12.87%
Legal Clerk	16	10	21	27	
% Change		-37.50%	110.00%	28.57%	33.69%
Legal Secretary	110	114	128	141	
% Change		3.64%	12.28%	10.16%	8.69%
Legal Assistant	32	41	44	50	
% Change		28.13%	7.32%	13.64%	16.36%
<i>Total Support Staff</i>	<i>198</i>	<i>215</i>	<i>245</i>	<i>275</i>	
% Change		8.59%	13.95%	12.24%	11.59%
*All County Attorney Positions	575	631	683	747	
% Change		9.74%	8.24%	9.37%	9.12%

*Does not equal the sum of the information above.

Legal Clerk

Files. Delivers documents to Superior Court and other county departments. Picks up and returns files to Clerk of the Court. Copies documents. Performs light typing as required.

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	4

Administrative Assistant

Enters new submittals. Reviews decisions. Files complaints. Enters grand jury cases into the Law Enforcement Information Justice System (LEJIS). Runs criminal background checks through LEJIS, the Arizona Crime Information Center (ACIC) and National Crime Information Center (NCIC) which requires state certification. Orders certified copies of prior criminal convictions. Researches criminal history dispositions. Enters closed files into LEJIS. Copies and files documents. Performs receptionist duties as required.

Legal Secretary

Performs heavy document production such as: pleadings, correspondence, tables and charts from taped dictation, hand written documents or shared computer files. Copies. Faxes; Files pleadings; Mails and distributes correspondence and pleadings. Answers phones. Coordinates and schedules appointments. Organizes, prepares, and labels files and folders.

Legal Assistant

Prepares routine and moderately complex legal documents and draft motions. Interviews witnesses. Assists attorneys and clients with coordinating case matter and documents for court proceedings. Researches statutes, legal cases and other sources for legal precedents and case applicability. Compiles annotations, indices and provisions of statutes, cases and administrative decisions to ensure compliance with court procedures. Gathers, reviews, and verifies case documentation. Develops and secures evidence and documentation.

Below is a list of the additional staff requested by the County Attorney's Office and the associated percentage increases represented by the request. The Legal Assistant positions were requested to be funded at the base salary while the remaining positions were requested to be funded at a level II.

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	5

Position History/Request

Position	As of 7/19/94	As of 8/15/95	As of 7/3/96	As of 7/3/97	# POSITIONS REQUESTED
Administrative Assistant	40	50	52	57	13
% Change		25.00%	4.00%	9.62%	22.81%
Legal Clerk	16	10	21	27	9
% Change		-37.50%	110.00%	28.57%	33.33%
Legal Secretary	110	114	128	141	2
% Change		3.64%	12.28%	10.16%	1.42%
*Legal Assistant	32	41	44	50	9
% Change		28.13%	7.32%	13.64%	18.00%
<i>Total Support Staff</i>	198	215	245	275	33
% Change		8.58%	13.95%	12.24%	12.00%
Total County Attorney Positions	575	631	683	747	33
% Change		9.74%	8.24%	9.37%	4.42%

*Twenty Legal Assistant positions work in the Division of County Counsel while thirty are assigned to the Criminal Division. The request for additional Legal Assistant positions is for the Criminal Division. Therefore, the request to add nine Legal Assistant positions to a staff of thirty represents an increase of 30%.

As stated earlier, the County Attorney requested that the Legal Assistant positions be funded at the base salary and all other requested positions be funded at the second level. Funding for the following start-up costs for each new position was also requested:

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	6

**REQUESTED START-UP COSTS
PER POSITION**

LEGAL ASSISTANTS		
Computers and Software	\$	4,140
Furniture		2,480
Telephones and Hook-up		500
TOTAL	\$	7,120
OTHER SUPPORT STAFF		
Computers and Software	\$	4,140
Work Stations		4,710
Telephones and Hook-up		500
TOTAL	\$	9,350

DATA FINDINGS

Employee "Burn-out"

In conducting this staffing study, analysts from the Office of Management and Budget toured each of the County Attorney's work sites and met with the support staff. Employees, especially Legal Assistants and Legal Secretaries, reported a high degree of "burn-out" from being over-worked. Quantifying employee "burn-out" is difficult. Commonly, vacation and sick time usage is analyzed under the assumption that "burned-out" employees will use a greater amount of sick and vacation time than other employees. While calculating the amount of sick and vacation time usage is relatively easy, identifying an appropriate standard against which to compare it is more difficult. For this study, OMB compared the sick time usage of Legal Secretaries and Legal Assistants to the County Attorney's Office average. That comparison appears below.

	SICK TIME	VAC TIME
COUNTY ATTORNEY AVERAGE	47.91	91.46
LEGAL ASSISTANT AVERAGE	54.26	68.59
LEGAL SECRETARY AVERAGE	68.58	102.81

As the data indicates, the average sick time used for Legal Assistants and Legal Secretaries is greater than the Office average and appears to be excessive. For the purposes of comparison, the Office average is inflated because data was not available on the Office average less Legal Secretaries and Legal Assistants.

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	7

Therefore, the difference between the average Legal Assistant and Legal Secretary sick time usage and the average of all other Office employees is actually greater than it appears above.

The Legal Secretary vacation time usage is also greater than the Office average. Secretaries may be using up sick time and resorting to the use of vacation time to relieve "burn-out." This seems to coincide with anecdotal information OMB analysts gathered when touring sites and speaking with Legal Secretaries. Again, OMB was informed of staff "burn-out" and often found a number of secretaries "out sick" when touring work sites. Of course, at that time there was no clarification of whether the employee was actually using sick time or vacation time while absent.

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	8

In FY 1996-97, Legal Assistants, on average, used much less vacation time than the Office average; only 7 days for FY 1996-97. This may point to excessive workload in an unexpected sort of way. To explain, Deputy County Attorneys and Legal Assistants, are held to certain legal time constraints in which work *must* be completed. It is not as easy for Legal Assistants to take vacation time. This again coincides with much of the anecdotal information heard by OMB analysts. For example, a Legal Assistant explained that she had to work two consecutive weekends in addition to her regular work week so that she could take vacation time on a subsequent weekend.

Though some of the information is more qualitative, it appears to validate the employees', especially the legal Secretaries', claim that they are becoming "burned-out" from excessive workload.

Time/Task Analysis and Overtime

Throughout OMB's site tours and discussions with Legal Assistants, the analysts continued to receive feedback regarding the amount of time that skilled Legal Assistants spend doing tasks that could be done by lesser paid Administrative Assistants or Legal Clerks. In turn, the Legal Assistants are working an inordinate amount of overtime to complete other required tasks.

According to the Legal Assistant staff, photocopying, redacting, setting interviews, bate stamping, and errand running were all tasks that could be done by staff other than Legal Assistants. However, in subsequent discussions after data was collected, management stated that it was not preferable to have lesser skilled employees performing some of the above duties. Only photocopying and errand running, according to management, could be done by lesser skilled positions.

In response, OMB requested that Legal Assistants determine the tasks that they currently perform which could be completed by an Administrative Assistant or Legal Clerk with lesser legal skills. Furthermore, OMB requested that the tasks they identified and tracked be ones that could operationally be transferred to an Administrative Assistant or Legal Clerk. More clearly, even if the actual task could be performed by a person without certain legal skills, other considerations must not make the transfer of the task impractical.

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	9

OMB requested that the time spent on these tasks be tracked by all Legal Assistants for five work days and a full weekend. Additionally, OMB requested that Legal Assistants document hours worked above their 40 hour work week. Because Legal Assistants reported working excessive hours on the weekend, OMB specifically requested that the data gathering period include a weekend. Monday, September 1, 1997 was a holiday. Therefore, the requested duration to gather data was Tuesday, September 2 through Monday, September 8. OMB received four days of data.

The following table is a summary of the data provided by the County Attorney's Office. The table includes a calculation of the annualized workload taken from the four days of data. Although four days may appear to be a short period of time to collect data, it is important to note that the entire population of Legal Assistants was evaluated rather than a sample.

LEGAL ASSISTANT TIME/TASK ANALYSIS

THE DATA REPRESENT FOUR DAYS OF DATA ON TASKS THAT COULD BE PERFORMED BY ADMIN ASST. I POSITIONS RATHER THAN LEGAL ASSISTANTS									
DIVISION	FAMILY VIOLENCE	HOMICIDE	SPECIAL CRIMES	VEHICULAR CRIMES	GANG/ROB	SEX CRIMES	SOUTHEAST	TRIAL	TOTALS
# OF LEGAL ASSISTANTS	3	6	2	3	4	3	4	0	25
TASK	HOURS	HOURS	HOURS	HOURS	HOURS	HOURS	HOURS		
PHOTOCOPIING	8.00	15.00	14.00	7.00	8.00	8.50	5.00	0.00	65.50
ERRANDS	2.00	3.00	1.00	1.50	2.00	2.00	2.00	0.00	13.50
SUBTOTAL									79.00
REDACTING	4.00	7.00	3.00	2.00	4.00	7.00	4.00	0.00	31.00
SETTING INTERVIEWS	15.00	21.00	8.00	10.00	29.00	28.00	20.00	0.00	131.00
BATE STAMPING	4.00	5.00	3.00	3.00	7.00	0.00	0.00	0.00	22.00
TOTAL	33.00	51.00	29.00	23.50	50.00	45.50	31.00	0.00	263.00
ANNUALIZED WORKLOAD/DIVISION	2,062.50	3,187.50	1,812.50	1,468.75	3,125.00	2,843.75	1,937.50	0.00	16,437.50
EQUIVALENT # POSITIONS	0.99	1.53	0.87	0.71	1.50	1.37	0.93	0.00	7.90
# OF REQ. LEGAL ASSTS	1.00	1.00	2.00	0.00	1.00	2.00	0.00	2.00	9.00

The data indicates that of the 25 (30 including managers and supervisors) Legal Assistants currently employed in the Criminal Division the equivalent of eight positions annually are devoted to performing tasks that, according to legal assistants themselves, could be completed by lesser paid Administrative Assistants or Legal Clerks. Thus, employing eight lower paid positions to directly support the Legal Assistants would essentially free up approximately eight Legal Assistants to perform legal work rather than administrative work. Considering only the tasks which management feels can be done by other

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	10

positions, the equivalent time of 2.5 Legal Assistants could be freed up by employing 2.5 Administrative Assistants.

Note that no data exists for the Trial Division. Currently, no Legal Assistants work in this division. Interviews with Trial Division attorneys indicate that an expansion of the Legal Assistant "program" into the Trial Division is needed to address current workload and to set back the need for additional attorneys. Currently, Legal Assistants are often pulled into the Trial Division to attend to the immediate needs of trial attorneys.

As mentioned earlier, the Legal Assistants also tracked hours worked so that OMB could estimate annual overtime hours. Because Legal Assistants are exempt from the Fair Labor Standards Act, they do not receive overtime compensation; therefore, no data on overtime worked is available. Below is a summary of that information.

LEGAL ASSISTANT OVERTIME

DIVISION	FAMILY VIOL.	HOM.	SPEC. CRIMES	VEH. CRIMES	GANG/ ROP	SEX CRIMES	SEF
# OF LEGAL ASSISTANTS	3	6	2	3	4	3	4
OVERTIME HOURS WORKED	23.00	65.00	34.00	7.00	15.00	36.00	33.00
TOTAL ANNUALIZED OT/DIVISION	1,437.50	4,062.50	2,125.00	437.50	937.50	2,250.00	2,062.50
EQUIVALENT # OF POSITIONS	0.69	1.95	1.02	0.21	0.45	1.08	0.99
TOTAL ANNUALIZED OVERTIME	13,312.50						
EQUIVALENT # OF POSITIONS	6.40						

The information indicates that, annually, Legal Assistants work overtime equivalent to approximately 6.5 positions. When considered with the task/analysis, it appears that excessive Legal Assistant overtime could be eliminated or greatly reduced by limiting the amount of time spent performing administrative work. According to staff, this could be done through the employment of Administrative Assistants. Conversely, management believes that Legal Assistants are necessary. Regardless, it is clear that there is workload that needs to be addressed with additional positions and management's concerns should be considered when identifying the types of positions needed.

SUMMARY/CONCLUSIONS

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	11

- Total annual case submittals to the County Attorney's Office have grown over the past two years at an average annual rate of 2.54%.

Total annual case filings by the County Attorney's Office have grown over the past two years at an average annual rate of 7.75%.

- The County Attorney's Office has seen significant increases in total support staff (Legal Assistant, Legal Secretary, Legal Clerk, Administrative Assistant) over the last three fiscal years.

POSITION	STAFF AS OF 7/94	STAFF AS OF 7/97	% INCREASE
LEGAL ASSISTANT	31	50	61.29%
LEGAL SECRETARY	109	141	29.36%
ADMINISTRATIVE ASSISTANT	38	51	34.21%
LEGAL CLERK	16	23	43.75%
TOTAL SUPPORT STAFF	194	265	36.60%

- The available data and other observations indicate that support staff, especially Legal Secretaries in the Juvenile Division, are experiencing some degree of "burn-out" from excessive workload.
- Particularly in the Major Crimes Division, Legal Assistants devote an excessive amount of time to administrative tasks. They spend approximately the equivalent of eight positions per year completing tasks that could be done by employees in lesser paid positions.
- Legal Assistants work overtime hours equivalent to approximately 6.5 positions per year. Hours worked above 40 per week by Legal Assistants could be eliminated or vastly reduced by employing lesser paid positions to attend to administrative tasks, thereby, freeing up Legal Assistant time.
- The Legal Assistant "program" should be expanded into the Trial Division to avoid the current practice of pulling Legal Assistants from other work to provide assistance. Furthermore, the use of Legal Assistants will reduce the need for additional attorneys.
- A large amount of paperwork is processed in the Central Intake and Pre-Trial units. These are the areas where work is likely to back up and create delays throughout the system. Additional support should be funded to assist in moving cases through the County Attorney's system. This, in turn, will reduce delays throughout the criminal justice system.
- At the Southeast Facility, OMB analysts observed that LEJIS work is backed-up significantly and assistance is needed to eliminate it and remain up-to-

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	12

date. Keeping up do date in this area eliminates significant fluctuations in the flow of cases through the entire criminal justice system as efforts are undertaken every so often to eliminate a large back-log.

- All additional positions should be funded at the base level. Career ladder increases are funded through the broadbanding program.
- The computer and software request for each additional position is excessive at \$4,140. OMB recommends \$3,500 per position for software and computers.

RECOMMENDATIONS

After reviewing the data that was provided, observing work processes, interviewing employees, etc., OMB recommends the following positions and the associated funding be approved by the Board of Supervisors:

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	13

REQUESTED STAFF INCREASE VS. RECOMMENDATION								
	LEG. ASST.		LEG. SEC.		ADMIN. ASST.		LEG. CLRK.	
	REQ.	REC.	REQ.	REC.	REQ.	REC.	REQ.	REC.
MAJOR CRIMES								
SEX CRIMES	2.0	1.0	1.0	1.0	1.0	1.0		
FAMILY VIOLENCE	1.0	1.0						
HOMICIDE	1.0	1.0	1.0	1.0	1.0	1.0		
VEHICULAR CRIMES					1.0	1.0		
GANG/ROP	1.0	1.0						
SPECIAL CRIMES	1.0	1.0						
TRIALS								
BUREAU A	1.0	1.0			1.0	0.5		
BUREAU B	1.0	1.0			1.0	0.5		
BUREAU D								
BUREAU E								
JUVENILE								
EASTSIDE				1.0	1.0	0.5	1.0	
WESTSIDE				1.0	1.0	0.5	1.0	
CENTRAL INTAKE					2.0	2.0	3.0	3.0
PRE-TRIAL								
CHARGING					1.0	1.0	1.0	1.0
EXTRADITIONS								
PRELIM A					1.0	1.0		
PRELIM B								
VICTIM WITNESS					1.0		1.0	
SEF								
TRIALS							1.0	
PRETRIAL LEJIS					1.0	1.0		
SPECIAL CRIMES	1.0	1.0					1.0	
TOTAL	9.0	8.0	2.0	4.0	13.0	10.0	9.0	4.0
RECOM. % INCREASE	16.0%		2.8%		17.9%		15.4%	
TOTAL REQUESTED	33							
TOTAL RECOMMENDED	26							

As noted above, the recommendation allows for a significant increase in total support staff. The percentage increase is figured based the number of total support staff in both the Civil and Criminal Division. The recommended staff are for the Criminal Division. If the percentage increase was calculated on the total number of staff employed in *only* the Criminal Division, the percentage increases would be even greater.

In summary, the majority of anecdotal evidence as well as the data analyses indicate that the addition of Administrative Assistant positions will free up a great amount of time for Legal Assistants and Legal Secretaries to spend time

Catalog number	98-004
Date:	December 3, 1997
Subject:	County Attorney's Office Staffing Study
Page:	14

completing work that requires their specialized legal skills. In fact, Legal Assistants and Secretaries spend such a significant number of hours per week on administrative tasks that providing them with assistance to perform those tasks for them essentially has the effect of funding more Legal Assistant and Secretary positions. Because Administrative Assistants are significantly less expensive than Legal Assistants and Secretaries, OMB focused on maximizing the use of Administrative Assistants and limiting the addition of Legal Assistant and Secretary positions.

However, this is not to say that additional Legal Assistant and Secretary positions are not needed. The excessive hours worked by staff is an issue that should be addressed. The County Attorney requested two additional Legal Secretaries. However, in order to reduce "burn-out," OMB has recommend four positions. Also, the Office requested nine Legal Assistants which amounts to a 29.0% increase in the Criminal Division staff. OMB has recommended eight additional Legal Assistants for an increase of 28.0%% in the Criminal Division Legal Assistant staff. The additional staff should greatly reduce the overtime worked by Legal Assistants and lessen the effects of employee "burnout."

The attached tables detail the FY 1997-98 costs and the annualized cost of the recommendations stated below.

- **FY 1997-98** **\$732,820**
- **ANNUALIZED** **\$699,190**